

UNITED STATES OF AMERICA
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 2/8/06

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | Case No. CR 05-00795 RMW |
| |) | |
| Plaintiff, |) | PRELIMINARY ORDER |
| |) | OF FORFEITURE |
| v. |) | |
| |) | |
| PHILIP KANG, |) | |
| aka haul, aka 55, aka 22, |) | |
| |) | |
| Defendant. |) | |

Having considered the application for a preliminary order of forfeiture filed by the United States and the plea agreement filed on January 10, 2006, wherein the defendant admitted to the forfeiture allegation, and good cause appearing,

IT IS HEREBY ORDERED that defendant Philip Kang shall forfeit to the United States all of his right, title and interest in the following property pursuant to Title 17, United States Code, Sections 506(b) and 509(a):

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| | Date | Title Of Copyrighted Work |
|------|------------|---------------------------------------|
| (1) | 05/02/2005 | Microsoft Visual Studio NET 2003 |
| (2) | 02/28/2005 | Quickbooks Point of Sale |
| (3) | 04/21/2005 | Sony Vegas + DVD Production Suite 6.0 |
| (4) | 05/07/2005 | Predator Concrete Jungle USA |
| (5) | 03/23/2005 | Narc USA |
| (6) | 03/08/2005 | Rugby 2005 USA |
| (7) | 03/25/2005 | Iron Phoenix USA |
| (8) | 03/08/2005 | Oceans Twelve |
| (9) | 06/05/2005 | The Jacket |
| (10) | 04/01/2005 | Alexander |
| (11) | 03/10/2005 | Sideways |
| (12) | 04/15/2005 | Be Cool |
| (13) | 06/05/2005 | Miss Congeniality 2 |
| (14) | 06/17/2005 | Mr. and Mrs .Smith |
| (15) | 05/27/2005 | Hostage |

IT IS FURTHER ORDERED that the United States, through its appropriate agency, shall seize the forfeited property forthwith and publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the government's intent to dispose of the property in such manner as the Attorney General may direct and provide notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court and serve a copy on government counsel within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(3) of the Federal Criminal Rules of Procedure, this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

IT IS SO ORDERED this 7 day of February 2006.

/s/ Ronald M. Whyte
 RONALD M. WHYTE
 United States District Judge